

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

All District Court Clerks for the United States Fifth Circuit:

You are hereby authorized to release the sealed Pre-Sentence Report, Addenda, Objections and Statement of Reasons to Counsel for the purpose of perfecting the appeal.

This authorization is subject to direction and instruction as issued by the Clerk for the Fifth Circuit Court of Appeals. Initial instructions are attached and may be altered as necessary upon notice from the Clerk.

The authorization will remain in effect until specifically withdrawn by this Court.

SO ORDERED.



Edith Brown Clement
Judge

Instructions on processing requests to view sealed PSI by an attorney.

Release the PSI upon request. Look through each page of the PSI, addenda, etc., to be sure the sentencing recommendation is NOT attached. SENTENCING RECOMMENDATIONS ARE NEVER RELEASED TO THE PARTIES

Copy the requested material (excluding the sentencing recommendation). Send all materials relating to the PSI (i.e. addendum, supplement, objection, etc.) in a plain brown envelope and mark at the top "SEALED MATERIAL." Write the case number, style of case and seal the envelope. The original PSI stays in the D.C. If there are documents in the PSI envelope such as letters, etc., do not send. If there is any question about what should or should not be sent contact Tim Phares or Susan Vaughn. Make a docket entry for example: "PSI requested and released to Mr. Smith for defendant Brooks. PSI must be returned at the time brief is filed."

STATEMENT OF REASONS ARE ONLY SENT IF THE ATTORNEY REQUESTS A COPY. Do not routinely send out. If the statement of reasons is not on file in this court, tell the attorney you do not have it.

Address the letter to counsel requesting PSI and send a copy to opposing counsel. A sample letter is below. There are 4 selectable paragraphs. The first and last paragraph below are always used. The letter may need to be edited further for other circumstances.

Dear Counsel:

Your request to view the defendant's sealed presentence report and addenda thereto is granted.

- 1) Sentencing recommendations are never released to the parties.
- 2) Your request to view all other sealed documents must be submitted to the 5th Circuit for approval.
- 3) This court does not have a copy of the Statement of Reasons.
- 4) A copy of the Statement of Reasons is also enclosed.

You are instructed that you may not copy the report nor may you divulge the contents to anyone. Please return the enclosed copy to the District Court at the time your brief is filed.

Motion to view sealed PSI by a **pro se party** - Direct to the 5th Circuit.